REMARKS

This amendment is in response to the Official Action dated November 14, 2008. Claims 1, 5, and 10-15 have been amended, no claims have been canceled, and claims 16-23 have been added; as such, claims 1-23 are now pending in this application. Claims 1, 5, and 10-15 are independent claims. Reconsideration and allowance is requested in view of the claim amendments and the following remarks. These amendment add no new matter. Support for the new claims can be found in paragraph [0058-0060] of the specification.

35 USC § 103 Rejections

Claims 1, 5, and 10 have been rejected under 35 U.S.C. § 103(b) as being unpatentable over Morimoto et al (US 20004/0179122, hereinafter referred to as "Morimoto '122") in view of Ono et al (US 6,771,877, hereinafter referred to as "Ono '877"). Applicant respectfully traverses this rejection.

Claim 1 recites: *[a] picture display controlling apparatus comprising:*

data holding means for holding a plurality of picture data items;

picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquired;

resume pointer holding means for holding as a picture resume pointer the location of the picture data item most recently displayed from any of picture groups obtained by sorting said picture data items;

operation inputting means for accepting an operation input for designating any of said picture groups or any of the picture data items in the designated picture group; and

display controlling means for exercising control such as to display the designated picture group or the designated picture data item in said designated picture group and each picture group is displayed using at least the location information used by sorting said picture items;

wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer.

These claimed elements are neither suggested nor disclosed by Morimoto '122. Morimoto '122 discloses an image capturing device allowing a user to view an album file or the like more easily. In particular, Morimoto '122 discloses a digital camera for registering a captured image in an album file, a display for displaying an image, and a switch button for switching between display images. The image to be displayed is changed in response to depressing a button located on the camera. In essence the user can view and scroll through the images displayed on the display screen.

Morimoto '122 does not teach "*wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer.*" However, the Office Action alleges Morimoto '122 discloses these claimed features in Fig. 7 and paragraph [0109]. This is inaccurate.

When menu button 8b in Fig. 7, step ST30 is depressed the digital camera shifts to ST31. When menu button 8b is depressed again, the digital camera shifts back to ST30. In ST31, various settings can be made in the album reproduction mode and the menu screen for performing those functions is displayed in a LCD screen. There is no mention of obtaining and sorting picture groups

or holding the location of a picture data item most recently displayed when operating input means designates transition from a first picture group to a second picture group.

Paragraph [0109] simply discloses a means for scrolling through the album images while in the album reproduction mode by pressing left or right key 7c or 7d. Again, there is no mention of obtaining and sorting picture groups or holding the location of a picture data item most recently displayed when operating input means designates transition from a first picture group to a second picture group.

Moreover, the Office action admits Morimoto '122 does not disclose or suggest *"resume pointer holding means for holding as a picture resume pointer the location of the picture data item most recently displayed from any of picture groups obtained by sorting said picture data items,"* but alleges, Ono '877 does. This is also inaccurate.

Still further, Morimoto '122 does not disclose or suggest *"picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquired."*

Ono '877 does not remedy the deficiencies of Morimoto '122, as the various features recited above are also absent from Ono '877. For example, Applicant's claimed features of *"wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer,"* are neither disclosed nor suggested by Ono '877.

Ono '877 discloses a method and apparatus for performing frequency conversion on images data. Particularly, when inputting moving image data input a personal computer for display, processing the data lags behind the input, resulting ion interruptio0n of the processing. To resolve

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this, Ono '877 suggests re-inputting the data for processing by utilizing information concerning the recorded position, the recorded time, or the time at which playback is to be performed. There is no discussion of holding, as a picture resume pointer, the location of the picture data item most recently displayed from any of picture groups or causing resume pointer holding means to hold the location of the picture data item most recently displayed from the first picture group as the picture resume pointer for the first picture group, while retrieving the picture resume pointer for the second picture group from the resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer.

Still further, Ono '877 does not disclose or suggest "*picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquired.*"

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the digital camera LCD display of Morimoto '122 with the data processing and recoding means of Ono '877.

For the reasons stated above, claims 5, and 10 also are distinct from Morimoto '122 and Ono '877 (although claims 1 and 5, and 10 should be interpreted solely based upon the limitations set forth therein).

Accordingly, Applicant respectfully requests that the rejection of claims 1, 5 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Ono '877 be withdrawn.

Claims 2-4, 6-9, and 11-15 have been rejected under 35 U.S.C. § 103(b) as being unpatentable over Morimoto '122 in view of Ono '877 in further view of Parulski et al (US 2004/0201752, hereinafter referred to as "Parulski '877"). Applicant respectfully traverses this rejection.

Claims 2-4, 6-9, and 11-15 depend from or incorporate the features of claims 1 and 5, which are neither disclosed nor suggested by Morimoto '122 in view of Ono '877, for the reasons stated above.

Parulski '877 does not remedy the deficiencies of Morimoto '122 in view of Ono '877, as the various features recited above are also absent from Parulski '877. For example, Applicant's claimed features of *"wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer,"* are neither disclosed nor suggested by Parulski '877.

Parulski '877 discloses a means for using favorite images captured by a digital camera to organize and identify electronic albums. Parulski '877 captures and stores first and second groups of digital images, identifies favorites images for the first and second groups, stores data in the digital camera identifying the favorite groups, transfers the first and second groups to a computer, produces a first electronic album including the first group of digital images and a second electronic album including the second group of digital images and uses the favorite image from the first group of digital images to represent the first electronic album and uses the favorite image from the second group of digital images to represent the second electronic album. There is no mention of sorting the picture data items according to the location information of which the picture data was acquired on the digital camera. The first and second digital images of Parulski '877 are sorted by the favorite image of the set and does so on a computer not on the digital camera itself. This defeats the purpose of providing the user quick interaction with the digital camera in sorting and retrieving images.

Still further, Parulski '877 does not disclose or suggest *"picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquired."*

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a (failed) attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the digital camera LCD display of Morimoto '122 with the data processing and recoding means of Morimoto '122 with the means for using favorite images to organize electronic albums of Parulski '877.

For the reasons stated above, claims 11-15 also are distinct from Morimoto '122, Morimoto '122 and Parulski '877 (although claims 1 and 11-15 should be interpreted solely based upon the limitations set forth therein). Furthermore, at least for the reason disclosed above, claims 2-4, 6-9 overcome the combination of Morimoto '122 in view of Ono '877 in further view Parulski '877 because they depend on independent claims 1 or 5.

Accordingly, Applicant respectfully requests that the rejection of claims 2-4, 6-9, and 11-15 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Ono '877 in further view Parulski '877 of be withdrawn.

Claims 5, 10, and 15 have been rejected under 35 U.S.C. § 103(b) as being unpatentable over Morimoto '122 in view of Ono '877 in further view of Stavely et al (US 2004/0201752, hereinafter referred to as "Stavely '012"). Applicant respectfully traverses this rejection.

Claims 5, 10, and 15 incorporate the features of claims 1, which are neither disclosed nor suggested by Morimoto '122 in view of Ono '877, for the reasons stated above.

Stavely '012 does not remedy the deficiencies of Morimoto '122 in view of Ono '877, as the various features recited above are also absent from Stavely '012. For example, Applicant's claimed features of "*wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data*

item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer," are neither disclosed nor suggested by Stavely '012.

Stavely '012 discloses control logic, a display and functions for viewing both individual images and preferred images, each preferred image belonging to a group of images. It provides an image browser user interface that displays a primary set of images comprising individual images and preferred images. The preferred images is obtained either by the user having specified the preferred image a representative image or, by default, the chronologically first image within the group of images is set as the preferred image. There is no mention of a picture group obtaining means for obtaining picture groups by sorting said picture data items <u>according to the location information of which the picture data was acquire</u>.

Still further, Stavely '012 does not disclose or suggest "*picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquired.*"

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a (failed) attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the digital camera LCD display of Morimoto '122 with the data processing and recoding means of Morimoto '122 with the image browsing user interface of Stavely '012.

For the reasons stated above, claims 5, 10, and 15 also are distinct from Morimoto '122, Morimoto '122 and Stavely '012 (although claims 1 and 5, 10, and 15 should be interpreted solely based upon the limitations set forth therein).
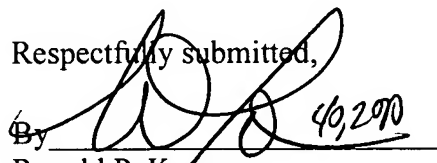
Accordingly, Applicant respectfully requests that the rejection of claims 2-4, 6-9, and 11-15 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Ono '877 in further view Stavely '012 of be withdrawn.

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3333 from which the undersigned is authorized to draw.

Dated: February 10, 2009   Respectfully submitted,

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